

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JAMES MANUEL ROMERO,

Movant,

vs.

No. CV 16-00687 JAP/KBM

No. CR 94-00694 JAP

UNITED STATES OF AMERICA,

Respondent.

ORDER OF ABEYANCE

THIS MATTER is before the Court *sua sponte* on James Manuel Romero's Successive Motion to Vacate, Set Aside and Correct the Judgment Pursuant to 28 U.S.C. § 2255 (CV Doc. 1; CR Doc. 157). This is a second or successive § 2255 motion by Romero. On May 17, 2016, Romero filed a Motion in the United States Court of Appeals for the Tenth Circuit for authorization to proceed with a second or successive § 2255 motion as required by 28 U.S.C. §§ 2244(b)(3) and 2255(h). The Tenth Circuit Court of Appeals entered an Order on June 24, 2016 abating the Motion pending further order of that Court. (CR Doc. 156). This Court lacks jurisdiction to consider Romero's Successive Motion to Vacate, Set Aside and Correct the Judgment Pursuant to 28 U.S.C. § 2255 (CV Doc. 1; CR Doc. 157) until the Tenth Circuit grants Romero authorization to proceed. Therefore, this matter is held in abeyance pending disposition of Romero's Motion for Authorization by the Tenth Circuit Court of Appeals.


UNITED STATES CHIEF MAGISTRATE JUDGE

